## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JIMMY JAMES WITHERSPOON,	)	
	)	
Petitioner,	)	
	)	1:08CV189
<b>v.</b>	)	1:05CR372-1
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

## J-U-D-G-M-E-N-T

For the reasons set forth in the Order filed contemporaneously with this Judgment,

IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's motion to vacate, set aside or correct sentence [Docket No. 35] be **DENIED** and that this action be, and the same hereby is, dismissed with prejudice. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

United States District Judge

October 23, 2008